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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,045	08/28/2003	Kazuhiro Ichikawa	Q77151	7226
23373	7590	07/12/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			TRAN, HOAN H	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,045

Applicant(s)

ICHIKAWA ET AL.

Examiner

Hoan H. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,8,12 and 13 is/are rejected.
- 7) ☒ Claim(s) 1-4,7,9 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings [Figs. 1-5] were received on 02/03/2004. These drawings are acceptable.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohgita et al. [‘165]

Ohgita et al. disclose an image forming apparatus [Fig. 2] comprising a specification module that specifies either formation of a composite color image or formation of a monochromatic image [See Abstract, Col. 10, lines 31-40]; and a control unit [51], when said

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specification module specifies formation of the composite color image, controls to selectively adapt a fixation process, which fixes the transferred toner image onto the recording medium, for formation of the composite color image [Col. 10, line 41 to Col. 11, line 65], while controlling to selectively adapt the fixation process for formation of the monochromatic image when said specification module specifies formation of the monochromatic image [Col.12, line 3 to Col. 13, line 37].

Regarding claim 18, the claimed method steps are inherent from the product structure.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgita et al. in view of Kimura et al. ['087]

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Ohgita et al., as discussed above disclose the claimed invention except for the control module to carry out the fixation process at a first fixation temperature, for fixing composite color image, which is higher than a second fixation temperature, for fixing monochromatic image.

Kimura et al. disclose an image forming apparatus comprising a control module to carry out the fixation process at a first fixation temperature, for fixing composite color image, which is higher than a second fixation temperature, for fixing monochromatic image [Col. 1, lines 11-20].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the control module of the image forming apparatus disclosed by Ohgita et al. capable of carrying out the fixation process at a first fixation temperature, for fixing composite color image, which is higher than a second fixation temperature, for fixing monochromatic image as taught by Kimurai et al. for the purpose of producing high quality images.

Regarding claim 12, the claimed method steps are inherent from the product structure.

9. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgita et al. in view of Kobayashi et al. ['219]

Ohgita et al., as discussed above disclose the claimed invention except for the control module to carry out the fixation process at a first fixation pressure, for fixing composite color image, which is higher than a second fixation pressure, for fixing monochromatic image.

Kimura et al. disclose an image forming apparatus comprising a control module to carry out the fixation process at a first fixation pressure, for fixing composite color image, which is higher than a second fixation pressure, for fixing monochromatic image [Col. 1, lines 39-51].

It would have been obvious to one of ordinary skill in the art at the time the invention

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was made to provide the control module of the image forming apparatus disclosed by Ohgita et al. capable of carrying out the fixation process at a first fixation pressure, for fixing composite color image, which is higher than a second fixation pressure, for fixing monochromatic image as taught by Kobayashi et al. for the purpose of producing high quality images.

Regarding claim 13, the claimed method steps are inherent from the product structure.

Allowable Subject Matter

10. Claims 2-4, 7, 9-11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Uchinokura et al. ['589] disclose an image formation method.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoan H. Tran whose telephone number is (571) 272-2141. The examiner can normally be reached from 8:30 AM - 5:00 PM Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Arthur Grimley can be reached at (571) 272-2136. The central office fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'Hoan Tran', with a stylized, cursive script.

HHT
July 09, 2005

HOAN TRAN
PRIMARY EXAMINER